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HOUSE BILL 3277 By
Sands

SENATE BILL 3263
By Blackburn

AN ACT to enact the "Maury County Alarm Systems Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This Act shall be known and may be cited as the "Maury County Alarm Systems Act".

SECTION 2. For the purpose of this Act, the following definitions apply:

(1) "Activate" means to set off an alarm system indicating in any manner an incidence of burglary, robbery, fire, etc.

(2) "Alarm systems" means any mechanical or electrical/electronic or radio controlled device which is designed to be used for the detection of any fire or unauthorized entry into a building, structure or facility, or for alerting others of fire or of the commission of an unlawful act within a building, structure or facility, or both, which emits a sound or transmits a signal or message when activated. Alarm systems include, but are not limited to, direct dialing telephone devices, audible alarms and monitored alarms. Excluded from the definition of alarm systems are devices which are designed or used to register alarms that are audible or visible and emanate from any motor vehicle; auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service; and self-contained smoke detectors; and medical-alert alarms.

(3) "Automatic dialing device" means an alarm system which automatically sends over regular telephone lines, by direct connection, or otherwise, a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect, but shall not include such telephone lines exclusively dedicated to an alarm central station which are permanently active and terminate within the communications center of the Maury County Sheriff's Department.

(4) "Commercial premises" means any structure or area which is not defined herein as residential premises.

(5) "False alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence or intentional misuse by the owner or lessee of an alarm system or by such owner or lessee's employees, servants or agents; or any other activation of the alarm system not caused by a fire or forced entry or attempted forced entry or robbery or attempted robbery; such terminology does not include alarms caused by acts of nature such as hurricanes, tornadoes, other severe weather conditions, or alarms caused by telephone line trouble, or other conditions which are clearly beyond the control of the alarm user. A maximum of five (5) false burglar alarms; three (3) false robbery/panic alarms; and three (3) false fire alarms, will be granted per alarm device within a fiscal permit year. All false subsequent activation will be considered chargeable violations.

(6) "Fire officer" means the fire chief of the rural fire department or the fire chief's designated representatives.

(7) "Law enforcement officer" means the sheriff of Maury County or the sheriff's designated representatives.

(8) "Person" means any natural person, firm, partnership, association, corporation, company or organization of any kind, to include a government or governmental subdivision or agency thereof, exclusive of the federal government.

(9) "Primary responder" means the law enforcement or fire agency designated to be first contacted by the alarm owner, operator or lessee.

(10) "Residential premises" means any structure or combination of structures which serve as dwelling units including single family as well as multi-family units.

SECTION 3. Notification and Permits Required.

(a) Every person who owns, operates or leases any alarm system, as defined herein, whether now existing or to be installed in the future, anywhere within Maury County, excluding alarm systems within the city limits of any incorporated municipality in Maury County, and who does not list the Maury County Sheriff's Department or Maury County rural fire department as primary responder, shall within one hundred twenty (120) days of the effective date of this act for existing alarms systems, or prior to use of new alarm systems, notify the Maury County Sheriff's Department, on forms to be provided, of the following information:

(1) The type, make and model of each alarm device and, if applicable, the alarm monitoring company;

(2) Whether the alarm system is installed in a residential or commercial premises;

(3) The name, address, business and/or home telephone number of the owner or lessee of the alarm system; and

(4) The names, addresses, and telephone numbers of at least two (2) persons to be notified in the event of an alarm activation.

(b) At the time of submission of this notification, the owner, operator or lessee of said alarm system shall submit a fee of fifteen dollars (\$15.00) to the Maury County Court Clerk's office for obtaining a permit for each alarm device in such system, if the system is maintained on residential premises, and twenty-five dollars (\$25.00) for each alarm device, if the system is maintained on commercial premises. All permit fees are

due January 1 annually and will be prorated monthly during the year applied for. Annual renewal fees of fifteen dollars (\$15.00) for residential users and twenty-five dollars (\$25.00) for commercial users will apply.

SECTION 4. Duties of Permit Holders.

(a) Each owner, operator, or lessee of an alarm system shall be responsible for training employees, servants, or agents in the proper operation of an alarm system.

(b) Each owner, operator, or lessee of an alarm system shall ensure that the correct address identification is visible from the street or roadway on which the premises are located.

(c) Any audible alarm shall be equipped with an automatic shut-off to function within twenty (20) minutes of the alarm sounding, excluding fire alarms.

(d) The current alarm registration sticker provided each permittee shall be displayed near the primary entrance so as to be easily visible from outside the building.

SECTION 5. Violations.

(a) It shall be a violation of this Act to have a functional alarm system without having obtained a permit required by Section 3 of this Act.

(b) Having an alarm activated without a permit shall constitute a violation of this Act.

(c) It shall be a violation of this Act when any Maury County Sheriff's Department or rural fire department officer responds to a false alarm after the allowable false alarms set out in Section 2 have been exhausted.

(d) Any person who owns, operates, or leases an alarm system and who shall knowingly and purposefully fail to respond to his premises within one (1) hour after notification by sheriff or fire personnel of alarm activation, whether false or not, shall be deemed to have violated this Act.

(e) It shall be a violation of this Act for an alarm company to make functional a newly installed alarm system if the owner, operator or lessee of the alarm system does not have a currently valid alarm permit, unless there is a life-threatening situation making immediate operation of the alarm system necessary. In such cases, the permit shall be obtained the next business day.

(f) It shall be a violation of this Act for an alarm company to set off a false alarm while installing, repairing or doing maintenance work on an alarm system. If the Maury County Sheriff's Department is notified to cancel the call within five (5) minutes of the original call, it will not be considered a false alarm, unless the responding agency arrives on the scene before the original call is canceled. If a responding sheriff's deputy or fire officer has not arrived on the scene within twenty (20) minutes of the original notification, it will not be a chargeable response. The false alarm shall not be charged to the owner, operator or lessee.

(g) Any non-compliance with the requirements of this Act shall constitute a violation and each incidence of non-compliance shall constitute a separate violation, punishable by a fine of fifty dollars (\$50.00) plus court costs; provided, however, that fines for false alarms shall not exceed twenty-five dollars (\$25.00) for each false alarm, in accordance with general law.

SECTION 6. Automatic Dialing Devices.

(a) Within one hundred and twenty (120) days of the effective date of this Act, it shall be a violation of this Act for any automatic dialing device to call on the 911 or E911 emergency line. Such devices shall be restricted to dialing the non-emergency sheriff, fire or emergency medical services phone number.

(b) Any automatic dialing device shall:

- (1) Have a clearly understandable recording;
- (2) Be capable of repeating itself a minimum of two (2) times; and

(3) Be capable of automatically resetting itself so as to not continuously call sheriff, fire or EMS phone numbers.

(c) Programmed messages on an automatic dialing device must include and are restricted to the following:

(1) The owner's/resident's name and the exact street number and name;

(2) A statement that it is a burglar or robber/panic "ALARM ONLY". It shall not say burglary or robbery "in progress";

(3) A statement of the hours the business is open, if the device is used for both burglar and robber/panic alarms; and

(4) A statement that a third party has been notified, and the identity of that third party, if a third party is notified by the device.

SECTION 7. Appeals Procedure and Rights to a Hearing.

(a) Beginning with the sixth (6th) false burglary alarm, a fourth (4th) false robbery/panic alarm, or a fourth (4th) false fire alarm, or upon failure of the permit holder to make a reasonable effort to comply with the requirements of this Act, a properly designated law enforcement officer or fire officer may file a request, in writing, for revocation of the permit with the Board of Appeals, which revocation shall occur unless the permit holder files an appeal, in writing, with the Board of Appeals within fifteen (15) days of the date the request for revocation is filed with the board. The law enforcement officer or fire officer shall notify the permit holder that a request for revocation has been filed with the board of appeals and the date on which it is filed. An appeal by the permit holder shall be accompanied by an appeals fee of fifty dollars (\$50.00), which shall be refunded upon a determination by the board that the permit holder has not exceeded the allowable false alarms.

(b) Pursuant to the administration of this Act, a Board of Appeals shall be created for the purpose of hearing any complaints relating to the enforcement provisions of this

Act. Such Board shall be appointed by the County Executive and approved by the County Commission, and shall consist of the following:

- (1) One (1) member of the sheriff's department;
- (2) One (1) member of the rural fire department; and
- (3) Three (3) private citizens, one (1) member being a representative of the local alarm industry, one (1) a residential alarm user, and one (1) a commercial alarm user.

(c) The Maury County Clerk or the clerk's designee is hereby designated as secretary of the Board of Appeals and shall serve as custodian of its records.

SECTION 8. Response to False Alarm - Required Reports of Corrective Action and Disconnection.

(a) The only alarms the Maury County Sheriff's Department, rural fire department or emergency medical services will respond to are:

- (1) Burglary (residential and business);
- (2) Robbery/hold-up (business only);
- (3) Fire (residential or business);
- (4) Medical (residential and business); and
- (5) Panic (residential only).

(b) Responsibility for a false alarm shall be borne by the owner or the lessee of the alarm system or such person's employee, servant or agent occupying and/or controlling the premises at the time of the occurrence of the false alarm.

(c) A response to an alarm shall result when any sheriff or rural fire department officer is dispatched to or otherwise learns of the activation of any alarm system. If the user calls or the authorized agent calls the sheriff's department back within five (5) minutes of the original call, it will not be considered a false alarm. No violation, fine, or recourse will take place in the above time interval unless the responding Maury County

Sheriff's deputy or rural fire officer has already arrived before the call to cancel has been made. If a law enforcement or fire officer has not arrived on the scene within twenty (20) minutes of the original alarm (notification), it will not be a chargeable alarm.

(d) After the allowable false alarms as set out in Section 2, each person who owns, operates, leases or controls any premises, commercial or residential, having an alarm system, shall be cited to Maury County General Sessions Court for any response to a false alarm. Within fifteen (15) days of the date of a conviction the person shall show proof to the sheriff's department of the corrective action taken to remedy the situation. Failure to show corrective action will be grounds for revocation of the permit; however, no disconnection shall be ordered on any premises required by law to have an alarm system in operation.

SECTION 9. Enforcement. Maury County Sheriff's Department officers are specifically authorized to enforce this Act. Any Maury County sheriff's officer or fire officer may lawfully issue a citation to an owner, operator or user of a functional alarm system who has not obtained the permit required by Section 3, or whose alarm system has given a false alarm in excess of the number of false alarms allowed under Section 2.

SECTION 10. Disposition of Fees.

(a) Fees collected pursuant to this Act shall be paid to the Maury County general fund.

(b) The provisions of this Act shall not be applicable to residential or commercial premises which are located within any municipal limits of the cities in Maury County, unless an alarm owner, operator or lessee requests the Maury County Sheriff's Department or Maury County rural fire department as the primary responder.

SECTION 11. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Maury County by December 31, 2000. Its approval or

nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 12. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 11.